



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# Section 55

## Acceptance of Applications Checklist

**Appendix 3** of [Advice Note Six: Preparation and submission of application documents](#)

**Version:** August 2022

## Rivenhall IWMF and Energy Centre Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at legislation.gov.uk, here: <http://www.legislation.gov.uk/ukpga/2008/29/section/55>

**DISCLAIMER:** This Checklist is a non-statutory checklist for the Planning Inspectorate to complete. Completion or self-assessment by the Applicant does not hold weight at the Acceptance stage. Unless specified, all references to the Planning Inspectorate are made in relation to functions being carried out on behalf of the Secretary of State for Department for Levelling Up, Housing and Communities.

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28-day due date	Date of decision
		<b>10 November 2023</b>	<b>8 December 2023</b>	<b>8 December 2023</b>
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:		Planning Inspectorate comments		
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project <sup>1</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order <sup>2</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or	<p><b>Yes</b></p> <p>The Proposed Development set out in <b>Schedule 1</b> of the <b>Draft DCO (Doc 3.1)</b> includes development falling within the categories in s14 of the PA2008. The development is for the extension of a generating station and satisfies section 15 of the PA2008; including s15(1)(2)(a) to (c).</p> <p>This is consistent with the summary provided in <b>section 4</b> of the <b>Application Form (Doc 1.2)</b> which states that the application is for an NSIP.</p>		

<sup>1</sup> NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15 to 30

<sup>2</sup> Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	<p>categories in Sections (s)14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in s14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	
3	<p><b>Summary: Section 55(3)(a) and s55(3)(c)</b></p>	<p>The Planning Inspectorate is satisfied that the <b>Draft DCO (Doc 3.1)</b> includes development for which development consent is required.</p>
<p><b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b></p>		
4	<p>In accordance with the EIA Regulations<sup>3</sup>, did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?</p>	<p><b>Yes</b></p> <p>On 25 April 2023 the Applicant notified the Planning Inspectorate in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 of its intention to provide an Environmental Statement (ES) in respect of the Proposed Development. The notification was received before the start of statutory consultation on 28 June 2023.</p> <p>The notification is provided within the Scoping Report at <b>ES Appendix 5.1 (Doc 6.2)</b> and referenced in paragraph 5.6 of the <b>Consultation Report (Doc 5.1)</b></p>

<sup>3</sup> Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations)

5	<p>Have any Adequacy of Consultation Representations<sup>4</sup> been received from 'A', 'B', 'C' and 'D' local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p>	<p>There are 19 host and neighbouring authorities, of which nine responded to the Planning Inspectorate's invitation to make an Adequacy of Consultation Representation (AoCR) dated 13 November 2023.</p> <p>All nine responding authorities confirmed in their AoCR that either the Applicant had complied with its duties under s42, s47 and s48 of the PA2008 and/ or that their authority had no comments/ objections to make. These local authorities were:</p> <ul style="list-style-type: none"> <li>• Babergh District Council ('A' authority)*</li> <li>• Braintree District Council ('B' authority)</li> <li>• Cambridgeshire County Council ('D' authority)</li> <li>• Chelmsford City Council ('A' authority)</li> <li>• Colchester City Council ('A' authority)*</li> <li>• Essex County Council ('C' authority)</li> <li>• London Borough of Redbridge ('D' authority)</li> <li>• Maldon District Council ('A' authority)*</li> <li>• Suffolk County Council ('D' authority)</li> </ul> <p>* Babergh District Council state they received no prior communication in relation to the project however they do not raise any concerns.</p> <p>* Colchester City Council state they have no comments regarding the overall approach of the consultation, however they note that they have no record of having received the notification letter of statutory consultation and attribute this to incorrect contact details shown in Appendix D-1 of the Consultation Report (Doc 5.2).</p>
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<sup>4</sup> Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received

		<p>* Maldon District Council refer to the Planning Inspectorate’s scoping, rather than the Applicant’s consultation with them, however they do not raise any concerns.</p> <p>All AoCRs received have been carefully considered and are available to view on the National Infrastructure Planning website:  <a href="https://planninginspectorate.gov.uk">Rivenhall IWMF and Energy Centre - Project Information (planninginspectorate.gov.uk)</a></p>
<p><b>Section 42: Duty to consult</b></p>		
<p>Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?</p>		
6	Section 42(1)(a) persons prescribed <sup>5</sup> ?	<p>The Applicant has provided a list of persons consulted under s42(1)(a) on 28 June 2023 at <b>Appendix D-1</b> of the <b>Consultation Report (Doc 5.2)</b>.</p> <p>A sample of the letter sent to s42(1)(a) consultees is provided at <b>Appendix D-2</b> of the <b>Consultation Report (Doc 5.2)</b>.</p> <p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that were not consulted by the Applicant under s42:</p> <p><u>Prescribed Consultees</u></p> <ul style="list-style-type: none"> <li>• NHS Mid and South Essex Integrated Care Board</li> <li>• Essex Police, Fire and Crime Commissioner</li> <li>• Civil Aviation Authority</li> <li>• Essex County Council as relevant Highways Authority</li> </ul>

<sup>5</sup> Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

		<ul style="list-style-type: none"> <li>• National Highways</li> <li>• United Kingdom Health Security Agency</li> <li>• The Crown Estate Commissioners</li> <li>• The Forestry Commission</li> <li>• Ministry of Defence</li> <li>• East of England Ambulance Service NHS Trust</li> <li>• Network Rail Infrastructure Ltd</li> <li>• National Highways Historical Railways Estate</li> <li>• Royal Mail Group</li> <li>• Homes England</li> </ul> <p><u>Statutory Undertakers</u></p> <ul style="list-style-type: none"> <li>• Anglian Water</li> <li>• Essex and Suffolk Water</li> <li>• Cadent Gas Limited</li> <li>• Northern Gas Networks Limited</li> <li>• Wales and West Utilities Ltd</li> <li>• ES Pipelines Ltd</li> <li>• Leep Gas Networks Ltd</li> <li>• Mua Gas Ltd</li> <li>• Squire Energy Ltd</li> <li>• National Gas</li> <li>• Indigo Power Ltd</li> </ul>
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		<ul style="list-style-type: none"> <li>• Mua Electricity Ltd</li> <li>• Optimal Power Networks Ltd</li> <li>• National Grid Electricity System Operation Ltd</li> </ul> <p>The Applicant's <b>Consultation Report (Doc 5.1)</b> does not explain why the bodies identified above have not been consulted.</p> <p>It is noted that the licences held by statutory undertakers cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain.</p> <p>None of the bodies listed above have been identified by the Applicant as having an interest in the Order lands and are not listed in the <b>Land Ownership and Interests Schedule (Doc 4.1)</b>.</p> <p>Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicant may wish to serve notice on the bodies listed above when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.</p>
7	Section 42(1)(aa) the Marine Management Organisation <sup>6</sup> ?	<p><b>N/A</b></p> <p>The Applicant has not consulted the Marine Management Organisation. The Applicant states at <b>paragraph 7.11</b> of the <b>Consultation Report (Doc 5.1)</b> "<i>The Proposed Development would not affect, or be likely to affect, any of the areas specified in section 42(2) PA 2008.</i>"</p>

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<sup>6</sup> In any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

8	Section 42(1)(b) each local authority within s43 <sup>7</sup> ?	<p><b>Yes</b></p> <p><b>Table 4</b> of the <b>Consultation Report (Doc 5.1)</b> lists the relevant local authorities that were identified and consulted under s43 and s42(1)(b) on 28 June 2023.</p> <p>The host 'B' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Braintree District Council</li> </ul> <p>The host 'C' authority was consulted:</p> <ul style="list-style-type: none"> <li>• Essex County Council</li> </ul> <p>The boundary 'A' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Colchester City Council</li> <li>• Maldon District Council</li> <li>• Chelmsford City Council</li> <li>• Uttlesford District Council</li> <li>• South Cambridge District Council</li> <li>• West Suffolk Council</li> <li>• Babergh District Council</li> </ul> <p>The boundary 'D' authorities were consulted:</p> <ul style="list-style-type: none"> <li>• Medway Council</li> <li>• Suffolk County Council</li> <li>• Cambridgeshire County Council</li> <li>• Hertfordshire County Council</li> </ul>
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<sup>7</sup> Definition of 'local authority' in s43(3) of the PA2008: The 'B' authority where the application land is in the authority's area; the 'A' authority where any part of the boundary of A's area is also a part of the boundary of B's area; the 'C' authority (upper tier) where the application land is in that authority's area; the 'D' authority (upper tier) where such an authority shares a boundary with a 'C' authority



		<ul style="list-style-type: none"> <li>• Southend-on-Sea City Council</li> <li>• Thurrock Council</li> <li>• London Borough of Havering</li> <li>• London Borough of Redbridge</li> <li>• London Borough of Waltham Forest</li> <li>• London Borough of Enfield</li> </ul> <p>A sample of the letter sent to s42(1)(b) relevant authorities is provided at <b>Appendix D-2</b> of the <b>Consultation Report (Doc 5.2)</b>.</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<p><b>N/A</b></p> <p>The project does not fall within the Greater London area.</p> <p>The Applicant states at <b>paragraph 7.13</b> of the <b>Consultation Report (Doc 5.1)</b> “As the site of the Proposed Development is not within Greater London, the Applicant did not consult with the Greater London Authority”. However it is noted that they are listed as having been consulted in <b>Appendix D-1</b> of the <b>Consultation Report (Doc 5.2)</b>.</p>
10	Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ?	<p><b>Yes</b></p> <p><b>Paragraph 7.15</b> of the <b>Consultation Report (Doc 5.1)</b> states that all persons identified under s42(1)(d) were consulted on 28 June 2023.</p> <p><b>Paragraphs 7.15 to 7.17</b> of the <b>Consultation Report (Doc 5.1)</b> summarise how the Applicant made diligent inquiry to seek to identify and consult persons with an interest in lands affected by the <b>Draft DCO (Doc 3.1)</b>.</p> <p>The persons consulted under s42(1)(d) are named in <b>paragraph 7.15</b> of the <b>Consultation Report (Doc 5.1)</b>.</p>

<sup>8</sup> Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim.

		A sample of the letter is provided at <b>Appendix D-2</b> of the <b>Consultation Report (Doc 5.2)</b> .
<b>Section 45: Timetable for s42 consultation</b>		
11	Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?	<p><b>Yes</b></p> <p>A sample of the letter sent to s42 consultees is provided at <b>Appendix D-2</b> of the <b>Consultation Report (Doc 5.2)</b>.</p> <p>The sample letter is not dated but <b>paragraph 7.16</b> of the <b>Consultation Report (Doc 5.1)</b> states that letters were sent to consultees by registered post to arrive on 28 June 2023. The sample letter confirmed that consultation commenced on 28 June 2023 and closed on 23 August 2023, providing more than the required minimum time for receipt of responses.</p>
<b>Section 46: Duty to notify the Planning Inspectorate of proposed application</b>		
12	Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	<p><b>Yes</b></p> <p>The Applicant gave notice under s46 on 28 June 2023 which was the same date as the beginning of s42 consultation.</p> <p>A copy of the s46 notification letter is provided at <b>Appendix F-1</b> of the <b>Consultation Report (Doc 5.2)</b> and a copy of an email from the Planning Inspectorate, acknowledging receipt of the s46 notification, is also provided at <b>Appendix F-1</b> of the <b>Consultation Report (Doc 5.2)</b>.</p>
<b>Section 47: Duty to consult local community</b>		
13	Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	<p><b>Yes</b></p> <p>A copy of the final SoCC is provided at <b>Appendix C-4</b> of the <b>Consultation Report (Doc 5.2)</b>.</p>

14	Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and, where applicable, 'C' authorities received the consultation documents?	<p><b>Yes</b></p> <p>The Applicant sent the draft SoCC to Braintree District Council ('B' authority) and Essex County Council ('C' authority) on 3 April 2023 and set a deadline of 2 May 2023 for responses; providing more than the required minimum time for responses to be received.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p><b>Yes</b></p> <p><b>Appendix C-3 of the Consultation Report (Doc 5.2)</b> provides a table of the responses from Braintree District Council and Essex County Council in respect of the informal consultation on the initial draft SoCC sent to them on 10 January 2023, and demonstrates how the Applicant had regard to them.</p> <p>Examples of changes from the initial draft SoCC to the final SoCC include:</p> <ul style="list-style-type: none"> <li>• Footnotes added to include details of previous planning permissions.</li> <li>• Additional text was added to explain the Applicant's approach to recording verbal feedback and its weight compared to written responses.</li> <li>• The Applicant extended the period of time allocated for the Stage Two community consultation following comments from ECC.</li> </ul> <p>The Applicant states at <b>paragraph 6.10 of the Consultation Report (Doc 5.1)</b> that the only comment received through the formal consultation on the draft SoCC was to note a typographical error in the spelling of a place name.</p> <p>The Planning Inspectorate is satisfied that the Applicant had regard to the responses received when preparing the SoCC.</p>
16	Has the SoCC been made available for inspection on a website maintained by or on behalf of the Applicant; and has a notice been published in a newspaper circulating in the vicinity of the land which	<p><b>Yes</b></p> <p>The final SoCC was made available at the following locations, which is reasonably convenient having regard to the location of the Proposed Development:</p> <ul style="list-style-type: none"> <li>• Braintree Library, 5 Fairfield Road, Braintree, CM7 EYL</li> </ul>

	states where and when the SoCC can be inspected?	<ul style="list-style-type: none"> <li>• Silver End Library, Silver End Village Hall, Broadway, CM8 3RQ</li> <li>• Kelvedon Library, Aylett's Foundation School, Maldon Road, Kelvedon, CO5 9BA</li> <li>• Coggeshall Library, Friends Meeting House, 29 Stoneham Street, Coggeshall, Colchester, CO6 1UH</li> <li>• Witham Library, 18 Newland Street, Witham, CM8 2AQ</li> </ul> <p>A notice stating when and where the final SoCC could be inspected was published in:</p> <ul style="list-style-type: none"> <li>• Braintree and Witham Times on 29 June 2023.</li> </ul> <p>The published SoCC notice, provided at <b>Appendix C-5</b> of the <b>Consultation Report (Doc 5.2)</b> states where and when the final SoCC was available to inspect.</p> <p>A clipping of the published advertisement is provided at <b>Appendix C-5</b> of the <b>Consultation Report (Doc 5.2)</b>.</p>
17	Does the SoCC set out whether the development is EIA development <sup>9</sup> ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p><b>Yes</b></p> <p><b>Paragraph 3.9</b> of the final SoCC at <b>Appendix C-4</b> of the <b>Consultation Report (Doc 5.2)</b> sets out that the development is EIA development. <b>Paragraphs 3.11 to 3.14</b> of the final SoCC at <b>Appendix C-4</b> of the <b>Consultation Report (Doc 5.2)</b> set out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p><b>Yes</b></p> <p><b>Paragraphs 7.1 to 7.53</b> of the <b>Consultation Report (Doc 5.1)</b> set out how the community consultation was carried out in line with the final SoCC.</p> <p><b>Table 7</b> of the <b>Consultation Report (Doc 5.1)</b> sets out how the Applicant has complied with the commitments set out in the final SoCC.</p>

<sup>9</sup> Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

		<p><b>Appendices E, F and G</b> of the <b>Consultation Report (Doc 5.2)</b> provide evidence that the commitments within the final SoCC have been carried out.</p> <p>Although the Planning Inspectorate is satisfied that the Applicant has carried out the consultation in line with the final SoCC, the following observations have been noted with regards to certain commitments:</p> <ul style="list-style-type: none"> <li>• <b>Paragraph 4.21</b> of the final SoCC at <b>Appendix C-4</b> of the <b>Consultation Report (Doc 5.2)</b> states that the Applicant will consider hosting a consultation webinar. The <b>Consultation Report (Doc 5.1)</b> does not refer to this having taken place and therefore it is assumed this was not requested by the public.</li> </ul>									
<b>Section 48: Duty to publicise the proposed application</b>											
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the (as amended) APFP Regulations 2009?	<p><b>Yes</b></p> <p><b>Paragraph 7.40</b> of the <b>Consultation Report (Doc 5.1)</b> states:</p> <p><i>“The Applicant published the section 48 notice in the newspapers on the dates as set out in Table 5, in accordance with Regulation 4(2) of the APFP Regulations.”</i></p> <p><b>Table 5</b> of the <b>Consultation Report (Doc 5.1)</b> displays the newspapers and dates of s48 publicity as set out below.</p> <p>A copy of the s48 notice is provided at <b>Appendix F-3</b> of the <b>Consultation Report (Doc 5.2)</b>.</p> <p>Clippings of the published notices set out below are provided at <b>Appendix F-2</b> of the <b>Consultation Report (Doc 5.2)</b>:</p>									
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 50%; text-align: center;">Newspaper(s)</th> <th style="width: 20%; text-align: center;">Date</th> </tr> </thead> <tbody> <tr> <td>a)</td> <td>for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;</td> <td> <ul style="list-style-type: none"> <li>• Braintree &amp; Witham Times</li> </ul> </td> </tr> <tr> <td></td> <td></td> <td>           29 June 2023            6 July 2023         </td> </tr> </tbody> </table>				Newspaper(s)	Date	a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<ul style="list-style-type: none"> <li>• Braintree &amp; Witham Times</li> </ul>			29 June 2023 6 July 2023
	Newspaper(s)	Date									
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<ul style="list-style-type: none"> <li>• Braintree &amp; Witham Times</li> </ul>									
		29 June 2023 6 July 2023									

b)	once in a national newspaper;	<ul style="list-style-type: none"> <li>The Guardian</li> </ul>	28 June 2023
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> <li>The London Gazette</li> </ul>	28 June 2023
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	N/A  There is no offshore development element to this project.	N/A
20	Did the s48 notice include the required information set out in Regulation 4(3) of the (as amended) APFP Regulations 2009?	<b>Yes</b> The published s48 notice, supplied at <b>Appendix F-3</b> of the <b>Consultation Report (Doc 5.2)</b> , contains the required information as set out below:	

Information		Paragraph	Information		Paragraph
a)	the name and address of the Applicant.	1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1
c)	a statement as to whether the application is EIA development	3	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	1 & 2
e)	a statement that the documents, plans and maps were available on a website maintained by or on behalf of the Applicant. The statement must include:	5 & 6	f)	the latest date on which those documents, plans and maps will be available for inspection	5

	<ul style="list-style-type: none"> <li>the nature and location of the Proposed Development</li> <li>The address of the website</li> <li>The place on the website</li> <li>A telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps.</li> </ul>				
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	8	h)	details of how to respond to the publicity	9
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published	12			
21	Are there any observations in respect of the s48 notice provided above?				
	<b>No</b>				
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations <sup>10</sup> ?	<b>Yes</b> A copy of the s48 notice was sent to the EIA consultation bodies as part of the s42 consultation, as confirmed in <b>paragraph 7.41</b> of the <b>Consultation Report (Doc 5.1)</b> .			

<sup>10</sup> Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

		A sample of the s42 consultation letter provided at <b>Appendix D-2</b> of the <b>Consultation Report (Doc 5.2)</b> confirms a copy of the s48 notice was enclosed.
<b>s49: Duty to take account of responses to consultation and publicity</b>		
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p><b>Yes</b></p> <p><b>Table 7</b> of the <b>Consultation Report (Doc 5.1)</b> sets out how the Applicant had regard to the consultation responses received; including whether or not responses led to changes to the application.</p> <p>The actions informed by the consultation responses appear to be reflected in the final form of the application as submitted. Where a particular response has not led to a change in the application, it is sufficiently clear that regard was had to it.</p>
<b>Guidance about pre-application procedure</b>		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>11</sup> ?	<p><b>Paragraph 8.1</b> of the <b>Consultation Report (Doc 5.1)</b> and <b>Table 1</b> of <b>Appendix H-1</b> of the <b>Consultation Report (Doc 5.2)</b> state that the Applicant has taken into consideration all relevant statutory and other guidance.</p> <p>Having reviewed the application, the Planning Inspectorate is satisfied that the Applicant has identified and had regard to the relevant statutory guidance.</p>
25	<b>Summary: Section 55(3)(e)</b>	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.
<b>s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b>		

<sup>11</sup> The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50



26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> <li>a brief statement which explains why it falls within the remit of the Planning Inspectorate; and</li> <li>a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	<p><b>Yes</b></p> <p><b>Section 4</b> of the <b>Application Form (Doc 1.2)</b> explains why the development falls within the remit of the Planning Inspectorate.</p> <p><b>Section 5</b> of the <b>Application Form (Doc 1.2)</b> provides a brief non-technical description of the site and <b>section 6</b> provides the location of the Proposed Development.</p> <p>A <b>Location Plan (Doc 2.1)</b> has been provided.</p>									
27	Is it accompanied by a Consultation Report?	<p><b>Yes</b></p> <p>The application is accompanied by a <b>Consultation Report (Doc 5.1)</b> and <b>Consultation Report Appendices (Doc 5.2)</b>.</p>									
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? <sup>12</sup>	<b>N/A</b>									
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:									
<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>a) Where applicable, the Environmental</td> <td>An Environmental Statement is provided as follows:</td> </tr> </tbody> </table>		Information	Document	a) Where applicable, the Environmental	An Environmental Statement is provided as follows:	<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>b) The draft Development Consent Order (DCO)</td> <td><b>Draft Development Consent Order (Doc 3.1)</b></td> </tr> </tbody> </table>		Information	Document	b) The draft Development Consent Order (DCO)	<b>Draft Development Consent Order (Doc 3.1)</b>
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<sup>12</sup> Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	Statement required under the EIA Regulations <sup>13</sup> and any scoping or screening opinions or directions	<ul style="list-style-type: none"> <li>• <b>Environmental Statement Chapters (Doc 6.1)</b></li> <li>• <b>Environmental Statement Appendices (Doc 6.2)</b></li> <li>• <b>Environmental Statement Non-Technical Summary (Doc 6.3)</b></li> </ul> <b>Appendix 5.3</b> provides a copy of the Scoping Opinion ( <b>Doc 6.2</b> )		
	Is this of a satisfactory standard?	Yes (with minor discrepancies as noted in Box 30)		Is this of a satisfactory standard? Yes
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	<b>Explanatory Memorandum to the Draft Development Consent Order (Doc 3.2)</b>	d)	Where applicable, a Book of Reference N/A. The Applicant is not seeking any Compulsory Acquisition. The Applicant has instead submitted a <b>Land Ownership and Interests Schedule (Doc 4.1)</b>
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard? Yes
e)	A copy of any Flood Risk Assessment	A <b>Flood Risk Assessment</b> is provided ( <b>Doc 7.2</b> ).	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental A <b>Statement of Statutory Nuisance</b> is provided ( <b>Doc 7.3</b> ).

<sup>13</sup> The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

			Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	
	Is this of a satisfactory standard?	Yes	Is this of a satisfactory standard?	Yes
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	N/A	i) A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and	<b>Land Plan (Doc 2.2)</b> i) Yes ii) N/A iii) N/A iv) N/A

			(iv) any special category land and replacement land	
	Is this of a satisfactory standard?	N/A	Is this of a satisfactory standard?	Yes
j)	A Works Plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO	<b>Works Plan (Doc 2.3)</b> (i) Yes (ii) Yes	k) Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation	N/A
	Is this of a satisfactory standard?	Yes	Is this of a satisfactory standard?	N/A

<p>l) Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan,</p> <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p>(i) <b>Environmental Sensitivities Map: Figure 2.2 of Environmental Statement Chapter 2 (Doc 6.1)</b></p> <p><b>Statutory and Non Statutory Sites or Features of Nature Conservation Plan (Doc 2.4)</b></p> <p>(ii) <b>Environmental Sensitivities Map: Figure 2.2 of Environmental Statement Chapter 2 (Doc 6.1)</b></p> <p>(iii) A plan showing waterbodies in a river basin management plan has not been provided within the application documents. Information related to water and flooding is provided in the following figures:</p> <p><b>Figure 4.1 EA Flood Map for Planning</b></p> <p><b>Figure 5-1 Surface Water Catchment Areas (Doc 7.2)</b></p> <p><b>Figure 5-2 Groundwater Catchment (Doc 7.2)</b></p> <p><b>Environmental Statement Chapter 2: Existing Site Conditions and Consented Scheme (Doc 6.1)</b> discusses</p>	<p>m) Where applicable, a plan with accompanying information identifying any statutory or non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p><b>Environmental Sensitivities Map: Figure 2.2 of Environmental Statement Chapter 2 (Doc 6.1)</b></p> <p><b>Statutory and Non Statutory Features of Historic Interest Environment Plan (Doc 2.5)</b></p> <p><b>Section 1.4.11 – 1.4.13 of Environmental Statement Chapter 1: Introduction (Doc 6.1)</b> explains the scope of the Environmental Statement. This does not contain specific chapters for cultural heritage or archaeology as these were agreed to be scoped out.</p>
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		designated sites, habitats and the water environment.		
	Is this of a satisfactory standard?	Yes		Is this of a satisfactory standard? Yes
n)	Where applicable, a plan with any accompanying information identifying any Crown land	N/A	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings, structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping  <b>Illustrative Plan (Doc 2.6)</b> <b>Existing Generation Station Plan (Doc 2.7)</b>
	Is this of a satisfactory standard?	N/A		Are they of a satisfactory standard? Yes
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations	<b>Grid Connection Statement (Doc 7.5)</b>	q)	Any other documents considered necessary to support the application  <b>Planning Statement (Doc 7.1)</b> <b>List of Other Consents and Licences (Doc 7.1)</b>

	Are they of a satisfactory standard?	Yes		Are they of a satisfactory standard?	Yes
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?				
	<p><b>Environmental Statement (Doc 6.1)</b></p> <p>The Environmental Statement provides a plan showing waterbodies but not specifically identifying waterbodies in the river basin management plan.</p> <p>The lifetime of the Proposed Development is stated as being 40 years in the FRA (Doc 7.2) and 25 years in the ES (specifically Chapter 7: Climate Change).</p>				
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? <sup>14</sup>	<p><b>No</b></p> <p>A Habitat Regulations Assessment (HRA) Report has not been provided with the application documents. The Planning Inspectorate is satisfied with the justification provided by the Applicant as to why the HRA is not required.</p> <p>Note: The Examining Authority will be able to ask questions during the Examination if required.</p>			
32	If requested by the Planning Inspectorate, two paper copies of the application form	<b>No hard copies requested.</b>			

<sup>14</sup> Regulation 5(2)(g) of the APFP Regulations

	and other supporting documents and plans <sup>15</sup>	
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	<b>Yes</b> The Planning Inspectorate is satisfied that the Applicant has demonstrated regard to the guidance principles.
34	<b>Summary - s55(3)(f) and s55(5A)</b>	The Planning Inspectorate concludes that the application (including accompaniments) has been prepared to a standard that it considers satisfactory.
<b>The Infrastructure Planning (Fees) Regulations 2010 (as amended)</b>		
<b>Fees to accompany an application</b>		
35	Was the fee paid at the same time that the application was made <sup>16</sup> ?	The fee was received on 9 November 2023; before the application was made.

<b>Role</b>	<b>Electronic signature</b>	<b>Date</b>
Case Manager	<i>Siân Evans</i>	8 December 2023
Acceptance Inspector	<i>Alan Novitzky</i>	8 December 2023

<sup>15</sup> Regulation 5(2)(r) of the APFP Regulations

<sup>16</sup> The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made